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RESOLUTION NO. 05-494

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING A LEFT TURN LANE ALONG **45TH ST. NORTH FROM HILLSIDE AVE. TO THE WEST LINE OF THE FALCON FALLS DEVELOPMENT, TO SERVE THE RESIDENTIAL AND COMMERCIAL PORTIONS OF THE FALCON FALLS DEVELOPMENT (NORTH OF 45TH ST. NORTH, WEST OF HILLSIDE (472-84268))** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING A LEFT TURN LANE ALONG **45TH ST. NORTH FROM HILLSIDE AVE. TO THE WEST LINE OF THE FALCON FALLS DEVELOPMENT, TO SERVE THE RESIDENTIAL AND COMMERCIAL PORTIONS OF THE FALCON FALLS DEVELOPMENT (NORTH OF 45TH ST. NORTH, WEST OF HILLSIDE (472-84268))** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct a left turn lane along **45th St. North from Hillside Ave. to the west line of the Falcon Falls development, to serve the residential and commercial portions of the Falcon Falls development (north of 45th St. North, west of Hillside (472-84268)).**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **One Hundred Fifty-One Thousand Dollars (\$151,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **August 1, 2005** exclusive of the costs of temporary financing

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FALCON FALLS 2ND ADDITION

Lots 1 through 55, Block A
Lots 1 through 18, Block B
Lots 1 through 43, Block C
Lots 1 through 23, Block D
Lots 1 through 49, Block E

UNPLATTED TRACT "A"

The SE ¼ of Sec. 22, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part platted as Falcon Falls Addition, Wichita, Sedgwick County, Kansas, and EXCEPT that part platted as Falcon Falls 2nd Addition, Wichita, Sedgwick County, Kansas, and EXCEPT that part described as follows: Beginning at the SE corner of the SE ¼ of Sec. 22, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas; thence S89°39'55"W along the south line of said SE ¼, 1500.00 feet; thence N00°20'05"W perpendicular to said south line, 65.00 feet; thence N59°01'12"E, 157.06 feet; thence N43°58'19"E, 75.00 feet; thence N30°15'17"E, 320.00 feet; thence N22°05'36"E, 168.00 feet; thence N49°33'27"E, 120.00 feet; thence N74°59'22"E, 270.00 feet; thence N44°22'19"E, 180.00 feet; thence N29°21'37"E, 540.30 feet; thence N15°31'04"E, 385.26 feet; thence N26°42'26"E, 260.68 feet; thence N89°47'41"E, perpendicular to the east line of said SE ¼, 119.00 feet to a point on the east line of said SE ¼; thence S00°12'19"E, along the east line of said SE ¼, 1975.00 feet to the point of beginning, EXCEPT that part condemned for K-254 Highway in Condemnation Case No. B-19603, all being subject to road rights-of-way of record.

UNPLATTED TRACT "B"

Beginning at the SE corner of the SE ¼ of Sec. 22, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas; thence S89°39'55"W along the south line of said SE ¼, 1500.00 feet; thence N00°20'05"W perpendicular to said south line, 65.00 feet; thence N59°01'12"E, 157.06 feet; thence N43°58'19"E, 75.00 feet; thence N30°15'17"E, 320.00 feet; thence N22°05'36"E, 168.00 feet; thence N49°33'27"E, 120.00 feet; thence N74°59'22"E, 270.00 feet; thence N44°22'19"E, 180.00 feet; thence N29°21'37"E, 540.30 feet; thence N15°31'04"E, 385.26 feet; thence N26°42'26"E, 260.68 feet; thence N89°47'41"E, perpendicular to the east line of said SE ¼, 119.00 feet to a point on the east line of said SE ¼; thence S00°12'19"E, along the east line of said SE ¼, 1975.00 feet to the point of beginning, EXCEPT that part condemned for K-254 Highway in Condemnation Case No. B-19603, all being subject to road rights-of-way of record.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 55, Block A, Lots 1 through 18, Block B, Lots 1 through 43, Block C, Lots 1 through 23, Block D, and Lots 1 through 49, Block E, FALCON FALLS 2ND ADDITION shall each pay 1/533 of the total cost of the improvements, UNPLATTED TRACT 'A' shall pay 145/533 of the total cost of the improvements, and UNPLATTED TRACT 'B' shall pay 200/533 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment of said tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel

on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, October 4, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)